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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

25 United States Of America,) Case No. 2:20-mj-00801-DJA
26)
27 Plaintiff,) ORDER To Continue Preliminary
28) Hearing
29 vs.) (Second Request)
30)
31 ALEJANDRO AVALOS,)
32)
33 Defendant.)

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35 IT IS HEREBY STIPULATED AND AGREED, by and between Nicholas A
36 Trutanich, United States Attorney; Lisa Cartier Giroux, Assistant United States Attorney;
37 Kimberly Sokolich, Assistant United States Attorney, representing the United States of
38 America and William Brown, Esq., counsel for defendant Alejandro Avalos, that the
39 preliminary hearing in the above captioned case, which is currently scheduled for November
40 30, 2020 at 4:00pm, be continued and reset to a date and time convenient to the Court, but
41 no sooner than forty-five (45) days.

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43 1. The government has provided counsel for the defendant with limited Rule 16
44 Discovery. Counsel for the defendant needs additional time to review the discovery and

1 discuss it with his client prior to a preliminary hearing or indictment. Additionally, the parties
2 are discussing a pre-indictment resolution that may resolve the matter without a preliminary
3 hearing.

4 2. This continuance is not sought for purposes of delay, but to allow defense
5 counsel an opportunity to review discovery with their client and prepare for the preliminary
6 hearing.

7 3. The defendant is detained but agrees to the continuance.

8 4. Both counsel for the defendant and counsel for the government agree to the
9 continuance.

10 5. Federal Rule of Criminal Procedure 5.1(d) provides that a magistrate judge
11 may extend the time limits in Rule 5.1(c) with the defendant's consent and upon a showing
12 of good cause taking into account the public interest in the prompt disposition of criminal
13 cases. Because the defendant requires additional time to review discovery with their client
14 prior to the preliminary hearing, good cause exists to extend the time limits in Rule 5.1(c).

15 6. The time from November 30, 2020, to the new preliminary hearing date will
16 be excludable under the Speedy Trial Act, Title 18, United States Code, Section
17 3161(h)(7)(A), which provides that the Court may exclude time arising from a continuance
18 upon finding that the ends of justice served by granting the continuance outweigh the best
19 interests of the defendant and the public in a speedy trial.

20 7. Denial of this request could result in a miscarriage of justice, and the ends of
21 justice served by granting this request outweigh the best interest of the public and the
22 defendants in a speedy trial.

23 8. The additional time requested by this stipulation is excludable in computing
24 the time within which the indictment must be filed pursuant to the Speedy Trial Act, Title

1 18, United States Code, Section 3161(b), and considering the factors under Title 18, United
2 States Code, Section 3161(h)(7)(A) and (B)(i) and (iv).

3 9. This is the second request to continue the preliminary hearing.

4 DATED this 24th day of November, 2020.

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6 NICHOLAS A. TRUTANICH
United States Attorney

/s/ William Brown
7 WILLIAM BROWN
Counsel for Defendant Alejandro Avalos

8 */s/ Lisa C. Cartier Giroux*
LISA C. CARTIER GIROUX
9 Assistant United States Attorney

10 */s/ Kimberly Sokolich*
11 KIMBERLY SOKOLICH
12 Assistant United States Attorney

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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

Based on the pending Stipulation between the defense and the government, and good cause appearing therefore, the Court hereby finds that:

1. The government has provided counsel for the defendant with limited Rule 16 Discovery. Counsel for the defendant requests an opportunity to review the discovery and discuss it with their respective client prior to a preliminary hearing or indictment.
2. To account allow the defense time to review the discovery with their client prior to the preliminary hearing and with the defendant's consent, the preliminary hearing in this case should be continued for good cause.
3. The defendant is detained but agrees to the continuance.
4. Both counsel for the defendant and counsel for the government agree to the continuance.
5. This continuance is not sought for purposes of delay, but to allow defense counsel an opportunity to review discovery with their client prior to a preliminary hearing or indictment.

1 6. Denial of this request could result in a miscarriage of justice, and the ends of justice
2 served by granting this request outweigh the best interest of the public and the
3 defendants in a speedy trial.

4 7. The additional time requested by this stipulation is excludable in computing the time
5 within which the indictment must be filed pursuant to the Speedy Trial Act, Title 18,
6 United States Code, Section 3161(b), and considering the factors under Title 18,
7 United States Code, Section 3161(h)(7)(A) and (B)(i) and (iv).

8 THEREFORE, IT IS HEREBY ORDERED that the preliminary hearing in the
9 above-captioned matters currently scheduled for November 30, 2020, at 4:00pm., be vacated
10 and rescheduled to January 11, 2021, at 4:00 p.m. in Courtroom 3A.

11 24th
DATED this ____ day of November, 2020.



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13 THE HONORABLE DANIEL J. ALBREGTS
14 United States Magistrate Judge
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